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14 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
15 IN AND FOR THE COUNTY OF MARICOPA

16 THE STATE OF ARIZONA ex rel. TERRY
17 GODDARD, the Attorney General, and THE
18 CIVIL RIGHTS DIVISION OF THE ARIZONA
19 DEPARTMENT OF LAW,

20 Plaintiff,

21 vs.

22 BUGGY INN, L.L.C. d/b/a GRAND
23 AVENUE TAVERN,

24 Defendant.

No. CV2008-010264

COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF

(Nonclassified Civil)

25 Plaintiff, the State of Arizona ex rel. Terry Goddard, the Attorney General, and the
26 Civil Rights Division of the Arizona Department of Law (collectively the "State"), for its
27 Complaint, alleges as follows:

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BACKGROUND

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2 8. Mr. Frandino became a paraplegic due to injuries sustained in a 1976 car
3 accident which affected his ability to perform certain major life activities, including walking,
4 bathing, recreational activities, and domestic responsibilities.

5 9. Because of his disability, Mr. Frandino required the assistance of his dog,
6 Dobby, to perform tasks including helping Mr. Frandino carry things, to open and close doors,
7 to help push his wheelchair, and to fetch dropped items. Dobby has also been specifically
8 trained as a companion animal, and Dobby serves Mr. Frandino's companion animal.

9 10. On or about December 29, 2006 Mr. Frandino attempted to enter Defendant's
10 premises with Dobby. Dobby was wearing a blue vest which stated Canine Companions for
11 Independence which is the name of the agency that trained Dobby to be an assistive animal.
12 During this December 29, 2006 visit to Defendant's premises, Mr. Frandino communicated to
13 Defendant that his dog was a service animal. Despite being aware that Dobby assisted Mr.
14 Frandino with his disability, Defendant refused Mr. Frandino's entrance to its premises because of
15 Dobby.

16 11. Following Defendant's refusal to allow Mr. Frandino enter its premises with
17 Dobby, Mr. Frandino waited for his friends to arrive. When his friends arrived, Mr. Frandino
18 explained what happened to him. Mr. Frandino's friends then entered Defendant's premises and
19 advocated on Mr. Frandino's behalf. Despite their appeal on Mr. Frandino's behalf, Defendant
20 continued to deny Mr. Frandino's entry into its premise because of Dobby.

21 12. On or about April 30, 2007, Mr. Frandino timely filed an administrative
22 complaint with the State.

23 13. On or about April 7, 2008, the State's Compliance Section issued a Reasonable
24 Cause Determination in which it found that reasonable cause existed to believe that Defendant
25 violated the ACRA by discriminating against Mr. Frandino because of his disability, in
26 violation of A.R.S. § 41-1492, *et seq.*
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1 d. by utilizing standards or criteria or methods of administration that have
2 the effect of discriminating against Mr. Frandino on the basis of disability, in violation of
3 A.R.S. § 41-1492.02 (E); and

4 e. by failing to take such necessary steps to ensure that Mr. Frandino is not
5 excluded, denied services, segregated or otherwise treated differently than other individuals
6 because of the absence of auxiliary aids and services, in violation of A.R.S. § 41-1492.02
7 (F)(3).

8 19. As a result of Defendant's discrimination against Mr. Frandino based on his
9 disability, Mr. Frandino has suffered actual and monetary damages, including damages for
10 mental anguish, emotional distress, humiliation, embarrassment, inconvenience and loss of his
11 rights under the Arizonans with Disabilities Act, to which he is entitled to recover and for
12 which he should be compensated pursuant to A.R.S. § 41-1492.09(B).

13 20. As a result of Defendant's actions and inactions, an individual with a disability
14 has been denied the right to full and equal enjoyment of services offered by a place of public
15 accommodation, a right that is protected by the Arizonans with Disabilities Act, A.R.S. § 41-
16 1492 *et seq.* The denial of this right raises an issue of general public importance and,
17 therefore, Plaintiff brings this action to vindicate the public interest. Defendant is, therefore,
18 subject to a civil penalty pursuant to A.R.S. § 41-1492.09(C).

19 21. Further, as a result of its unlawful discrimination, Defendant is subject to
20 injunctive relief under A.R.S. § 41-1492.09(B) because it failed to accommodate the
21 reasonably anticipated needs of individuals with disabilities.

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23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff requests that this Court:

25 A. Enter a judgment on behalf of the State, finding that Defendant unlawfully
26 discriminated against Mr. Frandino in violation of A.R.S. § 41-1492.02.
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1 B. Enjoin Defendant, its officers, directors, successors, assigns and all persons in
2 active concert and participation with them, from engaging in any practices that discriminate on
3 the basis of disability.

4 C. Order Defendant to make Mr. Frandino whole, and award Mr. Frandino damages
5 in an amount to be determined at trial.

6 D. Order Defendant to institute and carry out policies, practices and programs
7 which provide equal opportunities for all individuals who obtain services from Defendant, and
8 which eradicate the effects of its present unlawful practices, including but not limited to policy
9 changes and training.

10 E. Order the State to monitor Defendant's compliance with ACRA.

11 F. Award the State its costs in monitoring Defendant's future compliance with
12 ACRA.

13 G. Order Defendant to pay the State a civil penalty to vindicate the public interest
14 pursuant to A.R.S. § 41-1492.09.

15 H. Award the State its costs incurred in bringing this action.

16 I. Order any affirmative relief as the Court deems necessary and proper in the
17 public interest.

18 J. Grant such further relief as the Court deems necessary and proper in the public
19 interest.

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DATED this 6th day of May 2008.

TERRY GODDARD
Attorney General

By Christopher Houk
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Assistant Attorney General
Civil Rights Division
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